

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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VICTOR RUIZ,

Plaintiff,

v.

ELKO COUNTY COURT HOUSE, *et*
al.,

Defendants.

Case No. 3:23-cv-00353-ART-CLB

ORDER

Pro se Plaintiff Victor Ruiz brings this action under 42 U.S.C. § 1983. Plaintiff alleges various claims connected to his detention at Elko County Detention Center, including ineffective assistance of counsel, breach of plea agreement, and defamation of character. (ECF No. 1-1 at 3-5.) Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Carla Baldwin (ECF No. 4), recommending the Court dismiss the case for failing to pay the filing fee or submit an application to proceed *in forma pauperis*. Plaintiff had until September 20, 2023 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will dismiss the case without prejudice.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the

1 magistrate judges' findings and recommendations is required if, but *only* if, one
2 or both parties file objections to the findings and recommendations.") (emphasis
3 in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that
4 the Court "need only satisfy itself that there is no clear error on the face of the
5 record in order to accept the recommendation.").

6 Because there is no objection, the Court need not conduct de novo review,
7 and is satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin
8 recommends the Court dismiss the case for failing to pay the filing fee or submit
9 an application to proceed *in forma pauperis*. (ECF No. 4 at 3.) The Court agrees
10 with Judge Baldwin. Having reviewed the R&R and the record in this case, the
11 Court will adopt the R&R in full.

12 It is therefore ordered that Judge Baldwin's Report and Recommendation
13 (ECF No. 4) is accepted and adopted in full.

14 It is further ordered that the case is dismissed without prejudice.

15 It is further ordered that the Clerk of Court enter judgment accordingly.
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18 DATED THIS 10th Day of October 2023.
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21 ANNE R. TRAUM
22 UNITED STATES DISTRICT JUDGE
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